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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE - Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

2011 JUN 29 A 8:04

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUN 29 2011

DOCKETED BY

RON BAILLY,

COMPLAINANT,

DOCKET NO. W-01445A-11-0178

VS.

ARIZONA WATER COMPANY,

RESPONDENT.

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On April 27, 2011, Ron Bailly filed with the Arizona Corporation Commission ("Commission") a Formal Complaint against Arizona Water Company ("AWC"), in which Mr. Bailly alleged that AWC had discriminated against Mr. Bailly by treating him differently from similarly situated property owners and had imposed such an unreasonable requirement on Mr. Bailly as a prerequisite to connecting his property for water utility service that it amounted to a taking of his property, both of which Mr. Bailly asserted were violations of the Arizona and U.S. Constitutions. Specifically, Mr. Bailly asserted that AWC was requiring Mr. Bailly to pay for a new 6" main, at an estimated cost of \$22,464, as a prerequisite to providing water utility service to Mr. Bailly's property. Mr. Bailly asserted that other similarly situated property owners had been permitted to run private lines from meters on Mogollon Drive, at a much lower cost, and that he should be permitted to do the same. On the same day, Mr. Bailly, who is an attorney, filed a substantially similar complaint on behalf of Jay Spear, another property owner, in Docket No. W-01445A-11-0179 ("Spear Docket").

Also on April 27, 2011, a copy of the Formal Complaint in this docket was sent to AWC, with a letter instructing AWC to respond within 20 days of the date that AWC acknowledged receiving the copy.

On May 5, 2011, Mr. Bailly filed a Motion to Consolidate this docket with the Spear Docket.

On May 17, 2011, AWC filed a Request for Additional Time to Respond ("Request"), seeking

1 a 30-day extension of time to file its Response to the Formal Complaint. AWC explained that it had  
2 reached a settlement with Mr. Bailly, but stated that additional time was needed to complete all of the  
3 necessary requirements to memorialize the settlement before AWC's Response was due. AWC  
4 further stated that Mr. Bailly did not object to the Request and that Mr. Bailly had authorized AWC to  
5 sign it on his behalf.

6 On May 20, 2011, a Procedural Order was issued granting AWC a 30-day extension of time to  
7 file its Response to Mr. Bailly's Formal Complaint.

8 On June 9, 2011, AWC filed a Withdrawal of Formal Complaint and Request for Dismissal,  
9 explaining that AWC and Mr. Bailly had completed their respective obligations pursuant to their  
10 settlement and that Mr. Bailly had authorized AWC to request that the Formal Complaint be  
11 withdrawn and dismissed. An attached letter from Mr. Bailly stated that AWC, Mr. Spear, and Mr.  
12 Bailly had agreed to a settlement of the matters in this docket and the Spear Docket and that Mr.  
13 Bailly was withdrawing the Formal Complaint in this docket and the Spear Docket and requesting  
14 that both dockets be closed.

15 Because the Complainant has requested withdrawal of the Formal Complaint herein and that  
16 this docket be closed, it is reasonable and appropriate to grant the withdrawal and close the docket.

17 **IT IS THEREFORE ORDERED that Mr. Bailly's request to withdraw the Formal**  
18 **Complaint of Ron Bailly filed in this docket is hereby granted.**

19 **IT IS FURTHER ORDERED that Docket No. W-01445A-11-0178 is hereby**  
20 **administratively closed.**

21 DATED this 29<sup>th</sup> day of June, 2011.

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25 SARAH N. HARPRING  
26 ADMINISTRATIVE LAW JUDGE  
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1 Copies of the foregoing mailed/delivered  
this 29th day of June, 2011, to:

2 Ron Bailly  
3 RON BAILLY, P.C.  
4 715 North Gilbert Road  
Mesa, AZ 85203

5 Robert W. Geake, Vice President and General Counsel  
6 ARIZONA WATER COMPANY  
P.O. Box 29006  
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7 Janice Alward, Chief Counsel  
8 Legal Division  
9 ARIZONA CORPORATION COMMISSION  
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Phoenix, AZ 85007

10 Steven M. Olea, Director  
11 Utilities Division  
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13  
14 By:   
15 Debra Broyles  
16 Secretary to Sarah N. Harpring  
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